

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,003,011 to Sarin et al. ("Sarin") in view of the article entitled "ProjectDash Drives Consistency in Communicating Project Status Online using Innovative Graphical Project Dashboard" ("ProjectDash").

By this Amendment, Applicant proposes to amend claims 1, 31, 42, and 57 to more appropriately define the invention.

In view of the foregoing proposed amendments and the following remarks, Applicant respectfully traverses the rejections and requests reconsideration and allowance of the pending claims.

**I. Rejection of Claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. §103(a)**

Applicant respectfully traverses the rejection of claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a) as unpatentable over Sarin in view of ProjectDash. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. ... [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant

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<sup>1</sup> The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

combination obvious unless the results would have been predictable to one of ordinary skill in the art.” M.P.E.P. § 2143.01(III) (emphasis in original). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03. “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I) (emphases in original).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). ... The factual inquiries ... [include determining the scope and content of the prior art and] ... [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1 calls for a combination including, for example, “displaying, on a display device, status information of procedures, wherein at least one of the displayed procedures is marked **with a pending-flag** to alert the user that the marked procedure **has a pending action that has not been completed and that a next action depends on the completion of the pending action**” (emphases added). Sarin and ProjectDash, whether taken alone or in combination, fail to teach or suggest at least these elements.

The Office conceded that Sarin “does not explicitly teach displaying a dashboard”<sup>2</sup>, but then asserted that ProjectDash “teaches a method for capturing project status and communication performance.” Final Office Action, p. 4. Particularly, in a Response to Arguments section, the Office further asserted that “[a]t a glance the dashboard displays the status of all projects with drilldowns to the milestones, resources and deliverables necessary for success.” Final Office Action, p. 2.

Without acquiescing to the above assertions, Applicant respectfully submits that, even if ProjectDash provides status of projects, there is no teaching or suggestion in ProjectDash that any of the projects is marked **with a pending-flag** to alert the user, neither is there any teaching or suggestion in ProjectDash of any mark to **indicate** that a project **has a pending action that has not been completed and that a next action depends on the completion of the pending action**.

In view of the above, ProjectDash still fails to teach or suggest at least that “at least one of the displayed procedures is marked **with a pending-flag** to alert the user that the marked procedure **has a pending action that has not been completed and that a next action depends on the completion of the pending action**,” as recited in claim 1 (emphases added), and thus does not compensate for the deficiencies of Sarin.

Moreover, independent claim 1 further recites, in part, “receiving, by a processor, a user-entered command to link at least one of the procedures to at least one pre-existing procedure definition such that **subsequent modifications** made to the linked

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<sup>2</sup> Applicant respectfully notes that by the Amendment after Final (entered by virtue of the Request for Continued Examination filed August 31, 2009), claim 1 has been amended to recite “displaying, on a display device, status information of procedures.”

procedure definition **after linking** are automatically reflected in the linked procedure,” (emphases added). Sarin also fails to teach at least these elements.

In the Response to Arguments section, the Office asserted that Sarin, at column 9, lines 51+, teaches “once the procedure is complete, modifications can be made . . . wherein the process definition is modified and the change is reflected in the process.” Final Office Action, p. 2. However, this assertion is not correct.

Applicant respectfully notes that the cited portion of Sarin merely teaches how to modify a process definition by generalizing from a first process. In Sarin, a second process may be carried out based on the modified process definition. However, in Sarin, the first process and the second process are not the same process.

Therefore, if the Office is suggesting that one of ordinary skill in the art would modify a process definition by generalizing from a first process in Sarin as a “linking” of the first process to the process definition, Applicant notes that Sarin does not teach or suggest that any change to the process definition **after** such “linking” is “automatically reflected” in the first process. On the other hand, if the Office is suggesting carrying out a second process based on the modified process definition in Sarin as a “linking” of the second process to the modified process definition, such modification to the process definition is made **before** the “linking” of the second process to the process definition, not **after** such “linking.”

In view of the above, Sarin fails to teach or suggest, at least, “**subsequent** modifications made to the linked procedure definition **after linking** are automatically reflected in the linked procedure,” as recited in claim 1 (emphases added). ProjectDash

also fails to teach or suggest these elements, and thus does not compensate for the deficiencies of Sarin.

Therefore, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Thus, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in the art in view of the prior art. Accordingly, a *prima facie* case of obviousness has not been established with respect to claim 1, and thus claim 1 is allowable.

Independent claims 31, 42, and 57, although different in scope from independent claim 1, recite elements similar to that noted above for independent claim 1. As such, for reasons similar to that discussed above with respect to independent claim 1, Sarin and ProjectDash fail to render independent claims 31, 42, and 57 obvious, and these claims are, therefore, allowable.

Dependent claims 2-21, 23-29, 32-52, and 58-65 are also allowable at least by virtue of their dependence from independent claim 1, 31, 42, and 57, respectively.

Moreover, with respect to claim 7, the Office asserted that Sarin teaches the claimed elements of “introducing rules and pre-configuring ad-hoc coordination patterns to handle exceptions and dependencies within actions.” Final Office Action, p. 5. However, for at least the reasons presented in the Amendment filed March 17, 2010 (“Amendment”) on page 20, this assertion is not correct.

With respect to claim 12, the Office asserted that Sarin teaches the claimed elements that “actions are grouped into phases.” Final Office Action, p. 6. However, for

at least the reasons presented in the Amendment on page 21, this assertion is also not correct.

In view of the above additional reasons, claims 7 and 12 are allowable.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-21, 23-29, 31-52, and 57-65 under 35 U.S.C. § 103(a).

## **II. Official Notice**

The Office took Official Notice with respect to elements of claim 29, stating that "it is old and well known to employ template wizards that enable a user to more accurately complete a template." Final Office Action, p. 8.

Applicant respectfully traverses the Office's apparent reliance on personal knowledge by Official Notice. However, even if the Official Notice were properly taken, which Applicant does not concede, such Official Notice still fails to cure the deficiencies of Sarin and ProjectDash, set forth above.

## **CONCLUSION**

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-21, 23-29, 31-52, and 57-65 in condition for allowance. Applicant submits that the proposed amendments to claims 1, 31, 42, and 57 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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